

CALIFORNIA COASTAL COMMISSION

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May 21, 2014

Richard Bruckner
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

**RE: Los Angeles County-Santa Monica Mountains Land Use Plan Amendment
No. LCP-4-LAC-14-0108-4**

Dear Mr. Bruckner,

On April 10, 2014, the Coastal Commission approved Los Angeles County-Santa Monica Mountains Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 with suggested modifications. The Commission's resolution of certification is contained in the staff report dated March 27, 2014. The suggested modifications, as approved by the Commission on April 10, 2014, are attached to this correspondence.

The subject Land Use Plan will not be effectively certified until: 1) the Los Angeles County Board of Supervisors adopts the Commission's suggested modifications, 2) the Los Angeles County Board of Supervisors forwards the Land Use Plan with the adopted suggested modifications to the Commission by resolution, and 3) the Executive Director of the Coastal Commission certifies that the County has complied with the Commission's April 10, 2014 action. The Coastal Act requires that the County's adoption of the suggested modifications be completed within six months of the Commission's April 10, 2014 approval.

The Commission and staff greatly appreciate the County's cooperation and assistance in this matter. Please contact me should you have any questions.

Sincerely,

Deanna Christensen
Coastal Program Analyst

Enclosure: Final Suggested Modifications for Los Angeles County-Santa Monica Mountains
Land Use Plan Amendment No. LCP-4-LAC-14-0108-4

FINAL SUGGESTED MODIFICATIONS TO THE LOS ANGELES COUNTY-SANTA MONICA MOUNTAINS LAND USE PLAN AMENDMENT

The Los Angeles County-Santa Monica Mountains Land Use Plan Amendment No. LCP-4-LAC-14-0108-4 was approved with suggested modifications by the Coastal Commission on April 10, 2014. Following are the modifications suggested by the Commission to the County for incorporation into Land Use Plan Amendment No. LCP-4-LAC-14-0108-4. The suggested modifications are numbered consecutively. Language suggested by the Commission to be inserted is shown underlined. Language suggested by the Commission to be deleted is shown in ~~striketrough~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*. Where a new policy is suggested to be added to a particular LUP section, the symbol “#” is used in place of a number. However, the County shall replace those symbols with an appropriate, distinct number.

Suggested Modification 1

Revise Section D of Part I. Introduction (LUP Page 3-4), as follows:

D. How to Use the LUP

The Santa Monica Mountains LUP is a component of the Los Angeles County General Plan. However, where conflicts occur between the policies contained in this LUP and ~~those anything~~ contained in any ~~element~~ other part of the County’s General Plan, in any Specific Plan or other plan, in County zoning, or in any other ordinance not included in the LCP, the policies of this LUP shall take precedence. Users should be guided by the following:

- ~~Should any LUP policies conflict, unless specifically noted, the policy that is most protective of coastal resources, including Protection of SERA’s (H1 and H2 habitats) and public access shall take priority over other LUP development standards. , shall take precedence. Two policies will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.~~
- Certain policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30200 through 30265) are included in the LUP for illustrative purposes only, and are not adopted by the County. While the County has not incorporated Chapter 3 policies directly into this LUP as individually enforceable policies, the County recognizes that Chapter 3 policies provide the authority for the policies of this LUP, and the policies in this LUP must be interpreted in a manner consistent with the Coastal Act. Therefore, the provisions of this LUP should be construed to be at least as protective of Coastal Resources as corresponding policies of the Coastal Act.
- ~~If a conflict is identified between policies of Chapter 3 of the Coastal Act, Public Resources Code Section 30007.5 shall be utilized to resolve the conflict.~~
- The County shall not issue a coastal development permit unless, Pprior to issuing a coastal development permit, the County shall determines that it can make, and does make, the finding that the proposed development is consistent with the policies set forth in this LUP.

- Nothing in this LUP shall be construed to prevent construction of a single-family residence on an existing, lawfully-established lot that allows such use, due to the size of the lot. Lot size may, however, play a role in a determination that location of a building pad on a lot is infeasible because necessary health and safety facilities cannot be accommodated.
- While this LUP is meant to be a guide for the public in determining allowable uses of private property, nothing in this LUP provides an entitlement to any specific form of development, and the public is strongly encouraged to consult with County planning staff prior to making any substantial investment in reliance on the belief that any specific development is possible, including prior to investing in the preparation of development plans that might later prove to be inconsistent with the LUP.
- All uses lawfully-established prior to the certification of this LCP that are not consistent with all LCP policies and provisions may continue in a legal non-conforming status subject to Zoning Ordinance provisions. Such uses may not be expanded in any manner inconsistent with the certified local coastal program (LCP). Where feasible, such lawfully established uses will be brought into conformity with the certified LCP.
- Development on Pepperdine University's 830-acre Malibu-area campus is subject to the Coastal Commission's review authority pursuant to Pepperdine's long range development plan (LRDP), which was certified by the Coastal Commission on January 11-April 12, 1990. The policies in this LUP shall not replace the Chapter 3 policies of the Coastal Act for the purposes of reviewing future amendments to the LRDP by the County and Coastal Commission. Similarly, proposed new development on the Pepperdine University campus will continue to be reviewed by the Coastal Commission for consistency with the policies contained in the certified LRDP, rather than the LUP policies of this LCP. The standard of review for any proposed amendments to the certified LRDP would continue to be the Chapter 3 policies of the Coastal Act, rather than the policies of this LCP.

...

Suggested Modification 2

Revise Section A. Introduction of Part II. Conservation and Open Space Element (LUP Page 12), as follows:

Each section provides goals and policies to guide applicants. The policies, along with the implementation measures of the LCP, are the standard of review to be used by decision-makers for new development. To ensure compliance with the Coastal Act, these goals and policies address many key components, including, but not limited to, the following:

- Protection of H1 and H2 habitat areas against significant disruptions of habitat values through the policies of this LUP;
- Protection of the scenic and visual qualities of coastal areas;
- Protection and expansion of public access to the shoreline and recreational opportunities and resources, including lower-cost visitor-serving and recreational facilities; and
- Protection of paleontological and archaeological resources.

Suggested Modification 3

Revise Policy CO-12 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 17), as follows:

CO-12 Prevent the disposal of animal waste, wastewater, and any other byproducts of human, crop-based-agricultural or equestrian activities in or near any drainage course, or H1 habitat area. To more fully carry out this policy for existing confined animal facilities where the issue of legal establishment is in question, establish a program, for two years from effective certification of the LCP and consistent with the parameters listed below ~~which invites such facilities to conform to~~ encourage such facilities to come into compliance with all of the LCP policies and regulations as soon as possible to the extent feasible given parcel size and on-site resources, in lieu of enforcement. This program shall be extended to any such facilities that lack a Coastal Development Permit, are located on parcels larger than 15,000 square feet, and where it can be documented that the facility existed prior to 2001 and after the effective date of the Coastal Act, and where such facility does not have an open violation case pending, as detailed in the LIP.

All such facilities shall conform to the livestock/equine management requirements of the LCP for water quality improvement.

Such facilities will not be subjected to any new enforcement action related to the subject facilities for the two-year period beginning with the effective certification of this LCP. During that two-year period, if the facility can be brought into full conformity with the LCP through a coastal development permit process and such a permit is granted, then the facility shall remain free of new enforcement action as the permittee is proceeding to satisfy the permit requirements in good faith and reasonable progress is being made, and once that has been accomplished, the facility shall be extended legal status.

If parcel size and/or on-site resources make it impossible to re-design or re-site the unpermitted confined animal facility so as it is not feasible to bring the facility into full conformity with all LCP provisions, but the facility shall be required, through a coastal development permit, to comply with certain minimum requirements, including those to address water quality and sensitive resources conforms to all water quality measures for livestock management, the facility shall be extended legal non-conforming status. The portion of the facility that cannot be brought into conformance shall be phased out within a finite period of time, or upon sale, or transfer of the property. Upon issuance of a coastal development permit and compliance with the certain minimum requirements, other than phasing out of the facility, the facility shall be extended legal non-conforming status until the removal, the sale or transfer of the property, or the expiration of the phase-out period, whichever is sooner. If the facility is not brought into conformance with the requirements of the permit, the facility will not be immune from enforcement. This provision shall be subject to all due process rights, notices,

correction periods, and opportunities to contest staff's initial determination otherwise provided by the LCP.

Suggested Modification 4

Revise Policy CO-13 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:

- CO-13 As part of the Coastal Development Permit process, require confined animal facilities and agricultural activities to utilize BMPs to minimize erosion and avoid sediment and pollutant impacts. For all development, require the ongoing maintenance of all design features used to mitigate stormwater runoff.

Suggested Modification 5

Revise Policy CO-15 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:

- CO-15 Limit the siting of confined animal facilities and maximum number of livestock permitted on a site to that appropriate to the parcel size, slope, proximity to H1 and H2 habitat areas, and other unique site characteristics and constraints, as set forth in the policies of this LUP.

Suggested Modification 6

Revise Policy CO-21 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 18), as follows:

- CO-21 Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100 foot buffer in one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible; (2) for public works projects required to repair or protect existing public roads when there is no feasible alternative; (3) for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative. Water quality improvements BMPs required for new development shall be located outside the 100-foot buffer, except for non-structural BMPs (e.g. vegetated berms/swales, bioengineered velocity reducers). Water quality BMPs proposed to improve the water quality of runoff from existing development without adequate BMPs shall be located outside the 100-foot buffer to the maximum extent feasible. The County encourages the daylighting restoration of streams that had previously been channelized or otherwise significantly altered. Therefore, such a newly daylighted Existing legally-established development within the

required 100-foot buffer of such a restored streams shall be considered a lawfully non-conforming use subject to the non-conforming development provisions of the LCP.
~~exempt from the buffer requirement.~~

Suggested Modification 7

Revise Policy CO-32 in Section C. Water Quality of Part II. Conservation and Open Space Element (LUP Page 20), as follows:

CO-32 Alteration of natural streams for the purpose of creating stream road crossings shall be prohibited unless there is no other feasible alternative to provide access to public recreation areas or lawfully-established development ~~approved in a coastal development permit~~ on legal parcels, and the ~~alteration does not restrict movement of fish or other aquatic wildlife. In all other cases,~~ stream crossings is shall be accomplished by bridging. ~~Where feasible, b~~Bridge columns shall be located outside streambeds and banks. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian vegetation and where the culvert is sized and designed to not restrict movement of fish or other aquatic wildlife. ~~When it is determined by the Fire Department that doing so would not result in diminished access and a threat to public safety, a~~An in-stream road crossing, such as an "Arizona crossing", shall be modified ~~when feasible~~ to a soft-bottom crossing or replaced by a bridge, consistent with Fire Department requirements, when major maintenance or repair activities on the crossing are undertaken.

Suggested Modification 8

Revise a portion of the Introduction of Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 22-23), as follows:

The SERA habitat categories are described as follows:

H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H1 habitats include: alluvial scrub; coastal bluff scrub; ~~dune coast live oak, valley oak, sycamore, walnut, and bay woodlands;~~ native grassland; and scrub with a strong component of native grasses or forbs; riparian; native oak, sycamore, walnut and bay woodlands; and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. ~~Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.~~ H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2)

CNPS-listed 1B and 2 plant species¹, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

...

H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 “High Scrutiny” habitat, which comprises (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species², normally associated with H2 habitats. H2 “High Scrutiny” habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. ~~H2 habitat species/habitats containing California Department of Fish and Wildlife (“CDFW”)/California Natural Diversity Database (“CNDDDB”) identified rare species associated with H2 habitat, and California Native Plant Society (“CNPS”) categories 1B and 2 habitats.~~ New development shall avoid H2 habitat (including H2 High Scrutiny habitat), where feasible, in order to protect these sensitive environmental resource areas from disruption of habitat values. New development shall only be allowed in H2 habitat if it is consistent with the specific limitations and mitigation requirements for development permitted in H2 habitat. H2 High Scrutiny habitat is considered a rare H2 habitat subcategory that shall be given protection priority over other H2 habitat and shall be avoided to the maximum extent feasible.

...

In addition to the prohibition of development in H1 habitat – to preserve the areas of highest biological significance, rarity, and sensitivity – a Resource Conservation Program (RCP) will be implemented by the County to mitigate for permitted development that will result in unavoidable adverse impacts to H2 habitat, to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, or for unavoidable impacts to ~~H1 and~~ H2 habitat for public works projects. The Program consists of the expenditure of funds by the County over a ten-year period for the acquisition and permanent preservation of land containing substantial areas of ~~habitat identified on the Biological Resource Map as H1 or H2 habitats or other properties~~ in the coastal zone of the Santa Monica Mountains ~~that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains.~~ The RCP will keep track of the acreage of ~~habitat impacts from development approved through coastal development permits (CDP) and the land acquisition brought about by the RCP. For impacts to H2 habitat brought about by expanded fuel modification for confined animal facilities within the fuel modification area of the principal permitted use, or for pasturage in H2 habitat outside of the fuel modification for the principal permitted use as set forth in this LCP, the County shall conduct the necessary statutory studies to establish an in-lieu impact mitigation fee. Such fee shall be approved pursuant to an amendment~~

¹ All of these particular categories of listed species are maintained in the California Department of Fish and Wildlife (“CDFW”)/California Natural Diversity Database (“CNDDDB”), which is an information clearinghouse for lists of rare plant and animal species and rare natural communities.

² Ibid

~~to this LCP. If at the time of issuance of the first CDP which includes such impacts to H2 habitat, no amendment has been approved by the California Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in lieu fee study approved by the Board of Supervisors. The fee proceeds will go into a “Habitat Impact Mitigation Fund” that will be used by the County to purchase properties that contain substantial areas of habitat. The County will include in the annual reporting for the RCP the amount of the annual fee imposed and collected, if any.~~

Suggested Modification 9

Revise Policy CO-33 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 24), as follows:

- CO-33 Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.
- 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species³, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas. Any species that are less sensitive than H1 but included in H1 habitat shall receive the more sensitive treatment of H1.
 - 2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 “High Scrutiny” habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species⁴, normally associated with H2 habitats. H2 “High Scrutiny” habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global ranked 1, 2, or 3,

³ Ibid

⁴ Ibid

~~and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat. California Department of Fish and Wildlife (CDFW)/California Natural Diversity Database (CNDDB) identified rare species associated with H2 habitat, such as high elevation and interior chaparral dominated by redshank (*Adenostoma sparsifolium*) and rarer species of Ceanothus, as well as rare and localized scrub types such as ashy buckwheat (*Eriogonum cinereum*) scrub, as treated in the Manual of California Vegetation, 2nd Ed. (categories G1 3/S1 3). Chamise (*Adenostoma fasciculatum*) chaparral is also included as H2 High Scrutiny, which while not considered rare statewide, is associated with several rare and declining species of plants and wildlife in the Santa Monica Mountains.~~

Suggested Modification 10

Revise Policy CO-41 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 26), as follows:

- CO-41 New non-resource-dependent development shall be prohibited in H1 habitat areas in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in H1 habitat other than wetlands in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. Any new development approved for one of these two uses within woodland or savannah habitat shall protect native trees in accordance with Policy CO-99.

The County shall not approve the development of any non-resource dependent use other than these two uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission.

Suggested Modification 11

Revise Policy CO-42 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 27), as follows:

- CO-42 Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP. Low-impact campgrounds, public accessways, and trails are considered resource-dependent uses. Such Resource-dependent uses shall be sited to avoid or minimize impacts to H1 and H2 habitat to the maximum extent feasible. Measures,

including but not limited to, signage, placement of boardwalks, utilizing established trail corridors, following natural contours to minimize grading, and limited fencing shall be implemented as necessary to protect H1 and H2 habitat. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes.

Suggested Modification 12

Revise Policy CO-50 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 28), as follows:

- CO-50 New development shall be prohibited in wetlands with the exception of the following where it has been demonstrated that there is no feasible less-environmentally-damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects: (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and (3) wetland restoration projects where the primary purpose is restoration of the habitat, ~~and (4) access roads to public or private lands where there is no feasible alternative to the wetland encroachment, and where mitigation is provided~~

Suggested Modification 13

Revise Policy CO-51 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 28), as follows:

- CO-51 ~~Where single-family residential new development is permitted in H2 habitat or H3 habitats pursuant to this LCP, the maximum allowable residential building site area on parcels shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less.~~ Where new residential development is permitted in H3 habitat, the maximum allowable residential building site area shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less. The restriction of the building site area to less than the maximum may be required if the native tree protection policies require a smaller area or if it is determined that a smaller building site area would serve to avoid impacts to ~~priority~~ H1 habitat areas, substantially minimize grading associated with the project, reduce the need for manufactured slopes, or reduce the need for retaining features visible from scenic areas, public trails, and public lands. The allowable building site area may be increased for projects that qualify for participation in the incentive program of Policy LU-28 or for projects that comprise two adjoining legal lots, if the existing lots are merged into one lot and one consolidated building site is provided with one access road or driveway. The allowable building site area shall not exceed the total of the building site areas allowed for each individual parcel. ~~Mitigation of adverse~~ Adverse impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be accommodated through the Resource Conservation Program pursuant to Policy CO-86 ~~where H2 habitat is impacted.~~

Suggested Modification 14

Revise Policy CO-52 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29), as follows:

~~CO-52—Subdivisions altering existing parcel configurations or creating additional lots shall be subject to Policies LU-9 and LU-17.~~

Suggested Modification 15

Revise Policy CO-53 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29), as follows:

CO-53 In Rural Villages, new development shall be sited and designed to avoid adverse impacts to all oak woodland habitat (either disturbed or undisturbed), while conforming to all other policies of the LCP. Where there is no feasible alternative to avoid oak woodland habitat that is not H1 habitat in order to provide a reasonable economic use of the property, ensure public health and safety, or fulfill requirements under the Americans with Disabilities Act for reasonable accommodation, removal of oak woodland habitat within Rural Villages may be allowed if limited to the minimum area necessary to achieve the purpose allowed. In no case shall the removal of oak woodland habitat exceed 10 percent of the total oak woodland area on the subject property. Where removal of oak woodland is allowed, oak tree mitigation shall be required, in accordance with Policy CO-99.

Suggested Modification 16

Revise Policy CO-55 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 29-30), as follows:

CO-55 New development adjacent to H1 habitat shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the H1 habitat areas they are designed to protect. New development shall provide a buffer of no less than 100 feet from H1 habitat. Variances or modifications to the required H1 habitat buffer width shall not be granted, except for a permitted use included in Policy CO-56 ~~or in the event that to impose the buffer would affect a taking.~~ For streams and riparian habitat, the buffer shall be measured from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream. For woodland habitat, the buffer shall be measured from the outer edge of the woodland tree canopy. For coastal bluff habitat, the buffer shall be measured from the bluff edge. For wetlands, the buffer shall be measured from the upland limit of the wetland. For all other H1 habitat, the buffer shall be measured from the outer extent of the vegetation that makes up the habitat.

Suggested Modification 17

Revise Policy CO-57 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 30), as follows:

- CO-57 New non-resource-dependent development shall also provide an additional 100-foot “Quiet Zone” from H1 habitat where feasible (measured from the outer edge of the 100-foot H1 habitat buffer required above). New development is not permitted in the H1 habitat Quiet Zone except resource-dependent uses, non-irrigated fuel modification required by the Fire Department for lawfully-established structures, and the following other uses in very limited circumstances: (1) public works projects required to protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat and the H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (2) an access road to a lawfully-permitted use when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (3) a development on a lawfully-created parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative, as long as impacts to H1 habitat and H1 buffer are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; (4) equestrian pasture outside of the fuel modification zone, consistent with the requirements of the LCP, where the development is sited and designed to ensure that no required fuel modification extends into H1 habitat or H1 buffer, it will not significantly degrade H1 habitat, and will not adversely affect wildlife usage, including movement patterns, of the local area or region ~~and Zone C fuel modification~~. Additionally, if existing fuel modification for the principal use is located within the Quiet Zone ~~is within the fuel modification zone~~, confined animal facilities may be established within the Quiet Zone on slopes of 3:1 or less only if the facilities will not require fuel modification to extend into H1 habitat or the H1 habitat buffer, and ~~are~~ subject to ERB review. Furthermore, public recreational facilities ~~resources~~ may also be located within this quiet zone, if it is developed and/or disturbed by historic use (e.g., recreational).

Suggested Modification 18

Revise Policy CO-64 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 31), as follows:

- CO-64 ~~Where there is any conflict between the standards that apply or uses that are permitted in the habitat categories or their required buffers, the development standards and permitted uses that are~~ Where multiple SERA protection policies and permitted uses are applicable, the policy that is most restrictive and protective of the habitat resource shall regulate development.

Suggested Modification 19

Revise Policy CO-75 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 33), as follows:

CO-75 Land divisions, including but not limited to lot line adjustments, shall only be permitted in accordance with all applicable policies of the LCP Policies LU-9 and LU-16, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that are is (1) located outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat, and (2) capable of being developed consistent with other LCP policies and without requiring ~~shall not require~~ vegetation removal or thinning for fuel modification in H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat. In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat is required for the open space parcel(s). ~~Furthermore, a new parcel being created through subdivision or being reconfigured through a lot line adjustment shall contain an identified, feasible building site, any necessary access road thereto, and any required fuel modification that avoids H2 habitat to the maximum extent feasible, consistent with the requirements of this LCP. Creation of a new Open Space parcel could be allowed within any habitat category or buffer, as long as the entire parcel is used exclusively as Open Space in perpetuity and the construction rights over the entire parcel are dedicated to the County of Los Angeles.~~

Land divisions in H2 habitat shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that will cluster and concentrate development in areas able to accommodate the development consistent with all other policies of the LCP and in compliance with the following:

- The proposed parcels are configured and building sites are sited and designed to ensure that future structures will have overlapping fuel modification zones and in no case shall the proposed building sites be located more than 100 feet apart.
- The building site on each newly created parcel is located no more than 200 feet from an existing public roadway and is capable of being served by existing power and water service.
- Each building site is located only on slopes of 3:1 or less.

- The proposed newly created parcels shall be within 1/4 mile of existing developed parcels.
- Land divisions on parcels adjacent to public parklands or parcels restricted as permanent open space are prohibited.
- A Transfer of Development Credit shall be required for the creation of any new parcel in H2 habitat in accordance with Policy LU-#.
- The County shall make a finding that the land division and associated TDC will result in the transfer and concentration of existing development rights to a location that results in the preservation of H2 habitat in a manner that is superior to the pre-land division lot configuration if developed.

In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) in H2 habitat that is dedicated or restricted to open space uses (through an open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of the building site or access road meeting the requirements above is required for the open space parcel(s).

Suggested Modification 20

Add the following new policy to Section D. Biological Resources of Part II. Conservation and Open Space Element:

CO-# Lot line adjustments may be approved between existing, legally created parcels, only where consistent with Policy CO-75. If the existing, legally-created parcels do not meet the requirement of Policy CO-75, then a lot line adjustment may only be approved where it is demonstrated that the reconfigured parcels: (1) can accommodate development that more closely conforms to LCP policies than development on the existing parcels could; (2) will not increase the amount of H2 habitat that would be removed or modified by development on each of the existing parcels (including necessary roads and fuel modification); and (3) will not increase the amount of landform alteration or have greater adverse impacts to scenic and visual resources than would have occurred from development on the existing parcels. Minor lot line adjustments between existing lawfully-developed parcels may be authorized provided the adjustment would not adversely impact H1 habitat, H1 habitat buffer, H2 habitat, or scenic resources. Lot line adjustments for the sole purpose of combining two or more parcels may also be authorized as a means of reversing a purported but illegal division of property.

Suggested Modification 21

Revise Policy CO-83 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 35), as follows:

- CO-83 Where animal containment facilities are allowed pursuant to the LCP, fencing may be allowed for pasture, corrals, stables, and riding rings if such fencing is wildlife-permeable. ~~Notwithstanding any other provision of the LUP, Non-wildlife-permeable fencing for animal containment facilities may be allowed only where it is demonstrated, pursuant to a site-specific biological evaluation, that the layout and extent of the fencing will not significantly impede wildlife movement through a property or through the surrounding area shall not be required to be wildlife permeable.~~

Suggested Modification 22

Revise Policy CO-86 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 35-37), as follows:

- CO-86a Unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer; and/or to H2 habitat from direct removal or modification, shall be ~~mitigated~~ compensated by the following, at a minimum.
- a. The County will administer a Resource Conservation Program (“RCP”), which shall consist of the expenditure of funds to be used for the acquisition and permanent preservation of land in the Santa Monica Mountains coastal zone containing substantial areas of ~~habitat identified on the Biological Resources Map as H1 and/or H2 habitats, or other properties in the coastal zone of the Santa Monica Mountains that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County.~~ The County commits to expend no less than \$2,000,000 over a ten-year period. The RCP shall demonstrate that the lands preserved are, at a minimum, proportional to the habitats impacted from permitted development in area (acreage or partial acreage) and habitat value/function.
 - b. For purposes of analyzing and implementing the RCP, and Policy CO-86b below, the County shall prepare a Habitat Fee Study within five years of certification of the LCP to determine the appropriate fees to adequately compensate for adverse impacts to H1 habitat from the provision of less than a 100 foot buffer, and to H2 habitat from direct removal or modification. The Habitat Fee shall be submitted to the Coastal Commission through an LCP amendment within five years of certification of the LCP. After the first five years following certification of the LCP, no CDPs that involve impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification may be processed until the amount of the in-lieu fee pursuant to the study is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.
 - c. ~~An~~ The County shall track and prepare an annual monitoring report at the end of each calendar year the RCP is in operation. The report for the calendar year shall itemize all acquisitions made that year, in addition to all of the following information shall be prepared that tracks the operation of the RCP and shall include:
 - An overview of each prospective year’s acquisition priorities and approach;

- A statement of the prior year's efforts in coordination with other agencies to enhance acquisition, preservation, protection, and connectivity of habitat and open space;
 - A summary of the land acquisitions made for that calendar year, including a breakdown of the location, area, habitat composition/classifications, and preservation mechanisms utilized for each acquisition;
 - The number of CDPs issued: a) in the previous year, and b) cumulatively since the starting date of the RCP;
 - The number of acres of each sensitive habitat classification allowed to be developed or otherwise impacted from issued CDPs: a) in the previous year, and b) cumulatively since the starting date of the RCP;
 - The amount of the Habitat Impact ~~Mitigation~~ fee as determined appropriate for each CDP in accordance with the following: in section b below;
 - 1. Current In-Lieu Fee: During the first five years following certification of the LCP, or until an updated fee is certified through an LCP amendment, the County shall utilize the Coastal Commission's Habitat Impact Fee that was implemented through individual coastal development permit actions prior to certification of the LCP, adjusted for inflation. The current fee amounts are:
 - \$15,500 per acre for the approved building site area, driveway/access roads and turnarounds areas, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures).
 - \$3,900 per acre for non-irrigated fuel modification areas (on-site).
 - 2. Updated In-Lieu Fee: The amount of the Habitat Impact Fee, approved through an amendment to the LCP pursuant to subsection B above, shall be used and adjusted for inflation annually.
 - A table or tables depicting the cumulative acreage of impact from issued CDPs in relation to the acreage acquired and preserved pursuant to the RCP, the cumulative amount of the Habitat Impact ~~Mitigation~~-Fee that would otherwise have been required for the issued CDPs calculated pursuant to section b below, and monies spent and monies remaining under the RCP. All acres of habitat shall be categorized by the number of acres of each sensitive habitat classification impacted/acquired; and
 - A summary of other restoration or enhancement efforts in the Santa Monica Mountains, such as TDCs, donation of other property, and grants for further funding of the RCP.
 - 2. ~~For purposes of the annual monitoring report, the amount of the Habitat Impact Mitigation fee shall be calculated as follows:~~
- i. ~~Current In-Lieu Fee: Using the current practice of the Coastal Commission as a reasonable approximation of the value of habitat impacted, during the first five years following certification of this LCP, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the~~

~~current in-lieu fee set by the Coastal Commission, namely: \$12,000 per acre for the building site of the principal permitted use and \$3,000 per acre for the fuel modification areas.~~

- ~~ii. Updated In Lieu Fee: For all annual monitoring reports submitted after this initial five year period, the amount of the Habitat Impact Mitigation fee shall be determined by multiplying the number of acres of sensitive habitat allowed to be impacted by issued CDPs by the in-lieu fee approved pursuant to the LCP amendment set forth in section d below.~~

The County shall review each annual monitoring report to analyze progress achieved in relation to the habitat impacts of CDPs approved by the County. The County shall provide a copy of the annual monitoring report for the review of the Executive Director of the Coastal Commission.

- d. If, as a result of this annual review anytime during the ten year period, the County determines that the RCP has not met the goals of providing adequate and proportional compensation for impacts to H1 and/or H2 habitat; that the cumulative amount of the Habitat Impact Fee required pursuant to issued CDPs exceeds the minimum \$2,000,000; or that the County has elected to discontinue the RCP, the County shall initiate an LCP amendment to modify this policy, in coordination with Coastal Commission staff.
- e. If, at the end of the ten year period, the County implements an extension of the RCP, or a similar program, the terms of such a program shall be incorporated into this section through an LCP amendment certified by the Coastal Commission. Any expenditures exceeding \$2,000,000 for the purchase and preservation of habitat over the ten year period shall be credited proportionately to the new RCP term.

~~At the close of the five year period commencing upon certification of this LCP, and at the conclusion of the ten year period, the County will review progress achieved in relation to the impacts of projects approved by the County. At the close of the five year period, the County and the Coastal Commission shall meet to cooperatively consider the information contained in the annual monitoring reports. The results of these discussions shall be reported to the Coastal Commission with a recommendation from Coastal Commission staff as to whether the RCP has provided over the first five years of its operation at least an equivalent means of protecting sensitive habitat than the Habitat Impact Mitigation fee acting alone would have provided. If these discussions and recommendations provided by the Coastal Commission staff, if any, demonstrate that changes to the RCP are needed to ensure that the RCP provides at least an equivalent means of protecting sensitive habitat than would the Habitat Impact Mitigation fee alone, the County shall prepare an LCP amendment to so modify the RCP. If the County implements an extension of the RCP, or a similar program, the terms of such program shall be incorporated into this section through an LCP amendment certified by the Coastal Commission. Any expenditures exceeding \$2 million over the prior ten years shall be credited proportionately to the new term.~~

- ~~e. When the earliest of the following events occurs: 1) the ten year period ends; or 2) the LCP amendment provided above terminates the program; or 3) at such time as the County elects to discontinue the RCP, each CDP that includes development resulting in unavoidable impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer, and/or to H2 habitat from direct removal or modification shall be conditioned to include the provision of the required in-lieu habitat impact mitigation fee, as detailed in Sections c, d, and e herein, unless the County, at the end of ten years, elects to continue the RCP.~~
- ~~d. The amount of the habitat impact mitigation fee for H2 habitat, on a per acre basis, will be determined by an in-lieu fee study conducted by the County following certification of the Santa Monica Mountains Local Coastal Program and before the issuance of the first CDP by the County requiring a fee to be paid by the applicant. Such fee shall be approved pursuant to an amendment to this LCP. If at the time of issuance no amendment has been approved by the Coastal Commission with full certification and jurisdiction returned, then the County shall collect the fee established in the in-lieu fee study approved by the Board of Supervisors.~~
- ~~e. If the RCP is not in existence: The fee shall be applied to each acre of H1 habitat impacted by the provision of less than a 100-foot H1 habitat buffer. The fee shall also be applied to each acre of H2 habitat impacted by development through direct removal, or modification (including removal, thinning, and/or irrigation). A determination of the total number of acres of H1 and/or H2 habitat and the total fee amount required (based on the fee per acre multiplied by the total number of acres of habitat impacted) shall be included in the findings of every CDP approved for development.~~
- ~~f. If the RCP is not in existence, a condition of approval on each CDP subject to the provisions of this section shall require the payment of the in-lieu fee into the Habitat Impact Mitigation Fund administered by the County.~~
- ~~g. The proceeds of the Habitat Impact Mitigation Fund will be used by the County to purchase properties that contain substantial areas of habitat identified on the Biological Resources Map as H1 habitat or other properties that contain critical habitat and/or wildlife linkages or other significant habitat values for the Santa Monica Mountains as determined by the County.~~

CO-86b Unavoidable impacts to H1 Habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 Habitat from direct removal or modification, shall be compensated by the provision of a required in-lieu habitat impact fee, as a condition of approval of individual projects (CDP's), in each of the following cases:

- A. When the earliest of the following events occurs: 1) the ten year period of the RCP ends; or 2) the cumulative amount of the Habitat Impact Fee required for issued CDPs exceeds \$2,000,000; or 3) at such time as the County elects to discontinue the RCP.
- B. When confined animal facilities and/or equestrian pasture are approved outside the required fuel modification area of the principal permitted use on a property pursuant to Policy CO-57, CO-103 or CO-104.

The amount of the habitat impact fee, on a per-acre basis, will be determined by the in-lieu fee study required pursuant to subsection B of Policy CO-86a above. No CDPs that involve impacts to H1 habitat from the provision of less than a 100-foot H1 habitat buffer and/or to H2 habitat from direct removal or modification may be processed until the amount of the in-lieu fee is incorporated into this LCP through an LCP amendment that is certified by the Coastal Commission.

A determination of the total area of H1 and/or H2 Habitat impacted by a project and the total fee amount required (based on the fee per acre multiplied by the total area of habitat impacted) shall be included in the findings of every coastal development permit approved for development that is subject to the provisions of this policy. As a condition of approval on each coastal development permit for development subject to the provisions of this policy shall require the payment of the in-lieu fee into the “Habitat Impact Fund” administered by the County. The proceeds of the “Habitat Impact Fund” shall be used by the County to purchase and permanently preserve properties that contain substantial areas of H1 and/or H2 habitat in the coastal zone of the Santa Monica Mountains.

Suggested Modification 23

Revise Policy CO-90 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 38), as follows:

CO-90 New recreational facilities or structures on beaches shall be designed and located to ~~minimize~~ avoid impacts to H1 habitat and marine resources.

Suggested Modification 24

Revise Policy CO-92 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 38), as follows:

CO-92 Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay, and other native trees. The County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements, ~~and that the~~ The LCP is may be updated, pursuant to an LCP amendment that is certified by the Coastal Commission, to ensure consistency between the policies contained within the LCP and such reflect new Water Resources Control Board requirements.

Suggested Modification 25

Revise Policy CO-95 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 39), as follows:

- CO-95 Public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, shall comply with the following requirements in addition to all other requirements of the LCP.
- The development shall be the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources.
 - The development shall avoid encroachment into H1 habitat, H1 habitat buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.
 - Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.
 - The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval. The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the RCP, or on-site or off-site restoration as a condition of approval.

Suggested Modification 26

Revise Policy CO-99 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 40), as follows:

- CO-99 New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.
- ...

Suggested Modification 27

Revise Policy CO-102 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 42), as follows:

CO-102 ~~New crop, orchard, vineyard, and other crop-based non-livestock agricultural uses are prohibited. Existing, legally established agricultural uses shall be allowed to continue. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, whichever is greater, may be allowed, consistent with Policy CO-54.~~

New crop-based, private and commercial agricultural uses shall only be allowed if it is demonstrated that they will be consistent with all other LCP policies and will meet all of the following criteria:

- The new agricultural uses are limited to one of the following areas:
 - The building site area allowed by Policy CO-51 and Fuel Modification Zones A and B on natural slopes of 3:1 or less steep.
 - On natural slopes 3:1 or less steep in H3 habitat areas.
 - Areas currently in legal agricultural use.
- New vineyards are prohibited.
- Organic or Biodynamic farming practices are followed.

Existing, legally-established agricultural uses shall be allowed to continue but may only be expanded consistent with the above criteria. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, may be allowed, consistent with Policy CO-54.

Suggested Modification 28

Add the following new policy to Section D. Biological Resources of Part II. Conservation and Open Space Element:

CO-# Existing, legally-established, economically-viable crop-based agricultural uses on lands suitable for agricultural use shall not be converted to non-agricultural use unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Policy LU-1.

Suggested Modification 29

Revise Policy LU-11 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:

LU-11 ~~Prohibit new agricultural uses, and limit existing commercial or “hobby” agricultural uses such as vineyards, orchards, and field or row crops in order to preserve natural topography and locally indigenous vegetation, and to prevent the loading of soil and chemicals into drainage courses.~~
New crop-based, private and commercial agricultural uses shall only be allowed if it is demonstrated that they will be consistent with all other LCP policies and will meet all of the following criteria:

- The new agricultural uses are limited to one of the following areas:
 - The building site area allowed by Policy CO-51 and Fuel Modification Zones A and B on natural slopes of 3:1 or less steep.
 - On natural slopes 3:1 or less steep in H3 habitat areas.
 - Areas currently in legal agricultural use.
- New vineyards are prohibited.
- Organic or Biodynamic farming practices are followed.

Existing, legally-established agricultural uses shall be allowed to continue but may only be expanded consistent with the above criteria. Gardens located within the building site area of both residential and non-residential uses, or Fuel Modification Zones A and B, may be allowed, consistent with Policy CO-54.

Suggested Modification 30

Revise Policy CO-103 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 42), as follows:

CO-103 Development permitted within H2 or H3 habitat may include accessory confined animal facilities limited to stables, barns, shelters, tack rooms, corrals, turnout pens, hay storage structures, loafing sheds, non-irrigated arenas and pens, manure management facilities, water troughs, horse trailer storage, covered equipment storage, non-irrigated pastures, wash rack, mounting blocks, tie racks, and fencing associated with any of the above. Night lighting for these facilities shall be limited to the following, consistent with all other LCP policies ~~may be established as follows:~~

- a. Necessary security lighting attached to a barn or storage structure that is controlled by motion detectors and limited to 60 watts or equivalent;
- b. Arena and round pen lighting by bollard or fence-mounted fixtures that do not exceed four feet in height, and that are shielded, directed downward, and use best available Dark Skies technology. Such lighting shall only be allowed where it is demonstrated, pursuant to a site-specific evaluation, that the lighting will avoid adverse impacts to scenic resources and avoid illumination of H1 and H2 habitat areas, including the H1 habitat buffer.

Within H3 habitat areas, accessory equestrian facilities identified above may be located within or outside of the fuel modification area required by the Fire Department for the principal permitted use, subject to all other policies of the LCP.

In areas of H2 habitat, accessory confined animal facilities identified above may be allowed only within the fuel modification area that is required by the Los Angeles County Fire Department (Zones A, B, and/or C if required) for the principal permitted use structure(s) within the approved building site. Such uses may be located only on natural slopes of 3:1 (horizontal:vertical) or less steep, and may include the minimum grading necessary to establish such facilities. All such facilities must be constructed of non-flammable materials. Facilities shall be clustered to the maximum extent feasible to minimize the area disturbed and to avoid or minimize expansion of the required fuel modification area for the principal permitted use.

Expansion to the required fuel modification area beyond what is required for the principal permitted use as a result of accessory confined animal facilities constructed within that area shall be avoided where feasible in the H2 habitat area, but may be allowed if the additional fuel modification area required does not exceed a maximum of 5 percent of the total parcel size, or two acres, whichever is less, and habitat impact mitigation for the additional fuel modification area is required pursuant to Policy CO-86b. This maximum area of additional fuel modification for confined animal facilities provided in this policy and the maximum area of equestrian pasture provided in Policy CO-104 shall not cumulatively exceed 5 percent of the total parcel size or two acres, whichever is less.

Suggested Modification 31

Revise Policy CO-104 in Section D. Biological Resources of Part II. Conservation and Open Space Element (LUP Page 43), as follows:

CO-104 In areas of H2 habitat or H1 Quiet Zone, equestrian pasture comprised of only fenced areas for turnout, water troughs, and other minor improvements for which the Fire Department does not require fuel modification may be permitted outside of the fuel modification area required for the principal permitted use, only when all of the following are met: (1) there is no feasible area within the fuel modification area of the principal permitted use that meets the 3:1 slope requirement pursuant to Policy CO-103; (2) the pasture area is located on slopes no steeper than 4:1; and (3) habitat impact mitigation is required pursuant to Policy CO-86b. Such pasture facilities shall not exceed an area more than 5 percent of the total parcel size, or two acres, whichever is less. Lighting and irrigation are not allowed in these areas. No locally-indigenous vegetation may be removed except as incidental and necessary to the setting of posts for fencing, fencing and gates. Such pasture facilities shall not require additional roads.

The maximum area of equestrian pasture provided in this policy and the maximum area of additional impacts to H2 habitat outside of the fuel modification area required by the

~~Fire Department for the approved structures comprising the principal permitted use for confined animal facilities provided in Policy CO-103 shall be not cumulatively exceed 5 percent of the total parcel size, or two acres, whichever is less, and this maximum shall be cumulative for facilities allowed by Policies CO-103 and CO-104.~~

Suggested Modification 32

Revise Policy CO-134 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50), as follows:

CO-134 The length of roads or driveways shall be minimized, except where a longer road or driveway would allow for an alternative building site location that would be more protective of scenic resources, H1 and H2 habitat areas, or other coastal resources. Driveway slopes shall be designed to follow the natural topography, unless otherwise required by the Fire Department. Driveways that are within or visible from a scenic resource shall be a neutral color that blends with the surrounding landforms and vegetation.

Suggested Modification 33

Revise Policy CO-136 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50), as follows:

CO-136 Prohibit development on designated Significant Ridgelines and require that structures be located sufficiently below such Ridgelines so as to preserve unobstructed views of a natural skyline. In addition, all ridgelines other than Significant Ridgelines that are visible from a Scenic Route, public parkland, public trails, or a beach shall be protecting by siting new development below the ridgeline to avoid intrusions into the skyline where feasible. Where there is no feasible alternative building site or where the only alternative building sites below the ridgeline would result in unavoidable impact to H1 or H2 habitat areas, structures shall be limited to one story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts and preserve the quality of the scenic area.

Suggested Modification 34

Revise Policies CO-141 and CO-142 in Section G. Scenic Resources of Part II. Conservation and Open Space Element (LUP Page 50-51), as follows:

CO-141 Limit and design exterior lighting to preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety. ~~Light pollution impacts the Coastal Zone's native species, residents, and visitors in ways we are only beginning to understand. This is a quickly evolving field where today's best practices are not necessarily consistent with those of only a decade ago. Therefore, Los Angeles County will periodically update~~ revisit the LIP's Dark Skies requirements, to ensure that they

are consistent with the most current Dark Skies science, technology, and best practices in the field, beginning five years after the LCP's certification date.

CO-142 Maintain dark skies in the Coastal Zone by reducing light pollution and requiring best available Dark Skies technology in all permitted lighting and compliance with Dark Skies principals and best practices to the maximum extent feasible. Only very limited night lighting for equestrian facilities shall allowed and must be consistent with Policy CO-103. Night lighting for sport courts or other private recreational facilities~~y~~ shall be prohibited.

Suggested Modification 35

Revise a portion of the Introduction of Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 53), as follows:

...

Visitor Serving Accommodations

Visitor serving overnight accommodations in the Coastal area of the Santa Monica Mountains are to be provided through low impact facilities where infrastructure is available to serve these uses. They primarily will be public and private campgrounds, however, other low impact facilities such as bed-and-breakfast facilities, rural inns, cabins, and hostels are also allowed. Campgrounds provide visitors with the opportunity to enjoy the beauty and recreational opportunities of the Santa Monica Mountains at a relatively low cost. Camping locations in and around the coastal zone contain significant numbers of low-cost overnight accommodations. Within the coastal zone, Leo Carrillo State Park, Malibu Creek State Park, Musch Trail Camp within Topanga State Park, and Decker Canyon Group Campground provide camping opportunities. In total, these camping locations offer 209 campsites, and additional group camping opportunities for up to 260 people. Within approximately five miles of the coastal zone, there are additional camping locations at Point Mugu State Park, Topanga State Park, Thornhill Broome Beach, La Jolla Valley Camp, Danielson Multi-Use Area, and Sycamore Multi-Use Area. These camping locations offer an additional 144 campsites and group camping opportunities for up to 333 people. In total, there are 353 campsites and additional group camping opportunities for approximately 600 people. It is anticipated that the area's public land management agencies will enhance camping and other recreational opportunities within the Santa Monica Mountains in the near future. The Santa Monica Mountains Conservancy plans to add up to 63 campsites within Malibu Bluffs Park, Corral Canyon, Ramirez Canyon, and Charmlee Park. The National Park Service plans to add eight new low-impact trail camps along the Backbone Trail, with approximately 40 new campsites. While there are no other types of existing low-cost visitor serving overnight accommodations besides campgrounds within the plan area, there are more than 1,500 low- and moderate-cost hotel rooms within five miles, and more than 4,000 low and moderate-cost hotel rooms within approximately eight miles, of the Santa Monica Mountains coastal zone. Given the topography, large areas of sensitive habitat, limited infrastructure, vast area of public parkland, and rural land use pattern within the plan area, visitor serving accommodations allowed under the LCP will be limited to primarily campgrounds and low impact types of overnight accommodations. ~~The land use designations, and development standards combined with the biological resources, topography and limited~~

~~infrastructures in the Santa Monica Mountains significantly restricts new overnight accommodations with the exception of low impact facilities such as; bed and breakfast facilities, rural inns, and accommodations for camping. Motels and more intensive commercial overnight accommodations are being provided in commercial areas adjacent to the 101 freeway, in nearby Santa Monica and in communities that have appropriate land use patterns, are easily accessible and have infrastructure.~~

...

Suggested Modification 36

Revise a portion of the Introduction of Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 53), as follows:

...

Trails

The existing Santa Monica Mountains trail system is comprised primarily of regional and local trails operated by public and private agencies, as well as trails that extend onto private lands. ~~There are many trails throughout the Mountains, but only those within parklands, or along dedicated easements, are publicly protected.~~ Maintenance and often basic construction of trails protected through public ownership, prescriptive use, or easements are primarily carried out by volunteers.

...

Suggested Modification 37

Add the following three new policies to Section H. Recreation and Trails of Part II. Conservation and Open Space Element:

CO-# Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

CO-# Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

CO-# Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Suggested Modification 38

Revise Policy CO-159 in Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 55), as follows:

CO-159 Lower-cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

Suggested Modification 39

Revise Policy CO-169 in Section H. Recreation and Trails of Part II. Conservation and Open Space Element (LUP Page 58), as follows:

CO-169 The use of private lands suitable for visitor-serving commercial recreational, ~~including educational~~, facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost visitor-serving commercial recreational uses unless a comparable replacement low-cost visitor-serving commercial recreational use area is provided.

Suggested Modification 40

Add the following two new policies to Section H. Recreation and Trails of Part II. Conservation and Open Space Element:

CO-# Map 4 Recreation shall be reviewed and updated periodically to reflect up-to-date information regarding public parkland and open space areas, public campgrounds, and existing and proposed trail alignments, including the CCT, in consultation with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, Caltrans, the City of Malibu, the Santa Monica Mountains Trails Council, the Mountains Recreation and Conservation Authority, and the Santa Monica Mountains Conservancy. Revisions to the map shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

CO-# Consult in the preparation of regional trail and parkland planning efforts, such as the Trail Management Plan (TMP) that is being prepared by the National Park Service, the California Department of Parks and Recreation, and the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority to establish the overall, coordinated, long-range direction of future management and development and completion of the trail network throughout Santa Monica Mountains National Recreation Area. The TMP will prescribe actions to support interagency management of the trail network throughout the national recreation area, and will include a trail map

depicting the planned trail network use designation and management actions. The LCP and Map 4 Recreation shall be updated as applicable to reflect the final trail routes.

Suggested Modification 41

Revise Policy CO-188 in Section I. Shoreline and Beaches of Part II. Conservation and Open Space Element (LUP Page 62), as follows:

CO-188 Allow the diking, filling, or dredging of open coastal waters, wetlands, and estuaries only where there is no feasible less-environmentally-damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects. Uses of open coastal waters, wetlands, and estuaries shall be limited to the following:

- Incidental public service purposes including, but not limited to, burying cables and pipes, ~~bridge construction or repair, and maintenance of existing drainage structures;~~
- Restoration purposes; and
- Nature study, aquaculture, or similar resource-dependent activities.

Suggested Modification 42

Revise Policy CO-198 in Section I. Shoreline and Beaches of Part II. Conservation and Open Space Element (LUP Page 63), as follows:

CO-198 Research and respond to the impacts of sea level rise on the Pacific Ocean/North Santa Monica Bay shoreline, with special attention to beach level septic and leachfield systems.

- a. Continue to gather information on the effects of sea level rise on the shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as beaches, public access and recreation resources, including the California Coastal Trail, Highway 1, significant H1 habitat such as wetlands or wetland restoration areas and riverine areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Participate, as possible, in regional assessments of sea level rise vulnerability, risk and adaption planning efforts to ensure compatible treatment for sea level rise across jurisdictional boundaries. Any vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2011 OPC Guidance on Sea Level Rise], National Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Alliance.
- b. Best Available Science shall be updated, in keeping with regional policy efforts, as new, peer-reviewed studies on sea level rise become available and as agencies such as the OPC or the CCC issue updates to their guidance reports.
- c. Prepare a sea level rise vulnerability assessment, or cooperate in a regional or multi-jurisdictional assessment, or the FEMA multi-hazard assessment, and give

special attention to the vulnerable areas and coastal resources highlighted in subsection a of this policy.

b. d. Based on information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise.

As applicable, recommendations may include such actions as:

- relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure, such as Caltrans;
- changes to LCP land uses, and siting and design standards for new development, to avoid and minimize risks;
- changes to standards for wetland, H1 habitat, and stream buffers and setbacks;
- modifications to the LCP to ensure long-term protection of the function and connectivity of existing public access and recreation resources; and
- modifications to the Regional Transportation Plan.

Suggested Modification 43

Add the following new policy to Section C. Seismic and Non-Seismic Geologic Hazards of Part III. Safety and Noise Element:

SN-# New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Suggested Modification 44

Revise Policies SN-24 and SN-25 in Section E. Fire Hazards of Part III. Safety and Noise Element (LUP Page 82), as follows:

SN-24 Structures that require fuel modification shall be set back 200 feet from adjoining vacant lands, where feasible. If it is not feasible to provide a 200 foot setback, then structures shall be set back to the maximum extent possible. However, a lesser setback may be approved where it will serve to cluster development, minimize fire hazards, or minimize impacts to coastal resources.

SN-25 New development adjacent to public parkland shall be sited at least 200 feet from all parkland, where feasible, and designed to ensure that all required fuel modification is located within the project site boundaries and no brush clearance is required within the public parkland. New development that requires Unavoidable brush clearance in parklands shall only be approved to allow a reasonable economic use, brush clearance shall be minimized to the maximum extent feasible, and all resource impacts shall be fully mitigated.

Suggested Modification 45

Revise Policy SN-48 in Section G. Noise Hazards of Part III. Safety and Noise Element (LUP Page 87), as follows:

SN-48 Private helicopter pads are prohibited. Publicly owned and operated helicopter pads and stops may be allowed on public or private land where needed for emergency services, and consistent with all applicable policies of the LCP. Locate new public helicopter pads to limit noise impacts on residential areas and public parklands. ~~Prohibit private helicopter pads and stops except where needed for emergency services.~~

Suggested Modification 46

Revise a portion of the Introduction in Section B. Guiding Principle of Part IV. Land Use and Housing Element (LUP Page 92), as follows:

...The biological resource protection policies of H1 habitat areas and the public access protection policies of this LUP shall take priority over other LUP development policies standards and where there is any conflict between general development policies standards and H1 habitat areas the biological resource and/or public access protection policies, the standards policies that are most protective of 1) SERAs H1 habitat areas, and 2) public access shall have precedence (in that order). Two policies of the LUP will only be treated as conflicting if applying one would necessarily result in a violation of the other, so there is no way to apply both. If development can be made to comply with two different policies, the policies shall not be construed to be in conflict.

...

Suggested Modification 47

Revise Policy LU-9 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 93), as follows:

LU-9 Land divisions shall only be permitted if each new parcel being created contains an identified building site area and any necessary access road that could each be developed consistent with all policies of the LCP and without building in H1 or H2 “High Scrutiny” habitat areas, H1 habitat buffer, or removing or modifying H1 or H2 “High Scrutiny” habitat for fuel modification. ~~Lots that are created entirely as dedicated open space lots are exempt from this policy.~~ In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of SERA is required for the open space parcel(s).

Suggested Modification 48

Revise Policy LU-12 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:

- LU-12 Require that the extension of water, sewer, or utility infrastructure to serve development be located within legally existing roadways and road rights-of-way in a manner that avoids adverse impacts to coastal resources to the maximum extent feasible. Such infrastructure shall be sized and otherwise designed to provide only for the approved development to avoid ~~If the extension of such infrastructure could potentially result in growth-inducing impacts, require all appropriate environmental review, and a discretionary approval for the development if appropriate.~~

Suggested Modification 49

Revise Policies LU-14 and LU-15 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 94), as follows:

- LU-14 The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots in H3 habitat, second residential units, or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lots that contain ~~H1~~ H2 habitat areas (may also contain H1 habitat but shall primarily contain H2 habitat), are located in Rural Villages, or are located adjacent to H1 habitat areas or parklands can be retired for transfer of development credits.

- LU-# The Transfer of Development Credit (TDC) Program shall be implemented in order to ensure that the individual and cumulative impacts of creating new lots in H2 habitat are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program. Lawfully created parcels that are comprised of H2 (including H2 high scrutiny) habitat and exceed seven acres in size can be retired for transfer of development credits.

- LU-15 Lots retired through the TDC program shall have all ~~be restricted from~~ development ~~potential extinguished~~, shall be combined/merged with adjoining buildable parcel(s) ~~other TDC parcels where they adjoin~~, and such actions shall be accurately reflected in the records of the County Tax Assessor.

Suggested Modification 50

Revise Policy LU-22 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 95), as follows:

- LU-22 Any coastal development permit for a land division resulting in the creation of additional lots, or the development of a second residential unit or multi-family residential units, shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot or unit created.

Suggested Modification 51

Revise Policy LU-24 in Section C. Development and Environmental Resources of Part IV. Land Use and Housing Element (LUP Page 95), as follows:

LU-24 ~~Existing, lawfully established structures built prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that do not conform to the provisions of the LCP may be maintained and repaired. Except as provided below, additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Substantial additions to non-conforming structures on a blufftop or on the beach are not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP. Except to allow reconstruction of an existing lawfully established structure following a natural disaster, demolition, removal, and or reconstruction that results in the demolition of more than 50 percent or more of either the total existing wall area, and/or 50 percent of the foundation system, or the cumulative total of each, of a non-conforming structure is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP.~~

~~All existing legally established uses and structures that conform to the conditions on which they were legally established are legal conforming uses and structures.~~

Notwithstanding any inconsistencies of existing development with the LCP, lawfully-established uses or structures established prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that conform to the conditions on which they were legally established are considered by the County to be legal conforming uses or structures that may be maintained and/or repaired. Additions and improvements to such structures, including reconstruction, may be permitted provided that (1) the additions and improvements comply with current LCP policies and standards and do not increase any existing inconsistencies; and (2) any inconsistencies of the existing legal structure with the LCP are rectified when (a) additions increase the square footage of the existing structure by 50 percent or more, or (b) any demolition, removal, replacement and/or reconstruction results in the demolition of more than of 50 percent of either the total existing exterior wall area or the existing foundation system, or where the sum of the percentages of each that is demolished exceeds 50 percent. Reconstruction of existing lawfully-established structures following a natural disaster is exempt from this policy and may be permitted.

Suggested Modification 52

Revise Policy LU-29 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:

LU-29 Prohibit development of non-resource-dependent uses and development that significantly disrupts habitat values within the H1 habitat areas, except for the two permitted uses pursuant to Policy CO-41.

Suggested Modification 53

Revise Policy LU-31 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:

- LU-31 Restrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources by applying the Slope Intensity Formula to residential development. The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village.

Suggested Modification 54

Revise a portion of the Introduction in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 99), as follows:

...

Rural Lands

Lands designated Rural Lands consist of rolling hills, steep slopes, and remote mountain lands with difficult or no access. Rural Lands also include areas that are only accessible via narrow, winding roads that cannot accommodate substantial increases in traffic volume. Parcels are remotely located having, for the most part, no public services and no physical access to the few public roads. While there are concentrations of development in these lands, there are also large areas undisturbed by development activity. Some properties adjoin State and federal parklands and inappropriate development would adversely impact these public resources. These lands commonly contain large areas of healthy locally-indigenous vegetation and are located in well-functioning watersheds containing thriving natural habitats and producing clean runoff. Further development in these areas, with its associated fuel modification requirements, has the potential to create problems in the form of increased erosion and introduction of pollutants into watersheds.

The principal permitted use is single-family homes. Other permitted uses – those sensitively located and consistent with all development standards – may include limited confined animal facility agriculture (including equestrian) uses, limited agricultural uses, retreats, monasteries, public recreation areas and facilities, trails, campgrounds, tent camps, bed-and-breakfast facilities, ~~low-intensity conference centers~~, public and local-serving private schools, water tanks, and telecommunications facilities, ~~and other local-serving commercial, institutional, and public facilities~~. The following Rural Lands categories are designated on the Land Use Map:

...

RL20 Rural Lands 20

These lands are primarily located in well-functioning ~~Significant W~~ sensitive watersheds and continue to produce high-quality runoff. Some examples of these areas include the following canyons: Nicholas, Trancas, Zuma, Ramirez, Latigo, Corral, Malibu Creek, Peña, Tuna, and Lower Topanga

Not to exceed a maximum residential density of one dwelling unit per 20 acres (1 unit per 20 acres).

...

Rural Residential

The lands in these categories are typically located in the few scattered clusters of estate-sized lots that exist throughout the Mountains. These lands are appropriate in areas with slopes of less than 25 percent. The properties have domestic water but no other services. The principal permitted use in the Rural Residential categories is low-density single-family detached homes in a setting consistent with this LUP's definition of "rural" area. Clustering may be useful in providing community open space and protecting natural resources. Other permitted uses – which must be consistent with all development standards – include: equestrian uses, limited agricultural uses, retreats, convents, monasteries, public recreation areas and facilities, trails, hostels, tent camps, campgrounds, bed-and-breakfast facilities, ~~low intensity conference centers~~, water tanks, public and local-serving private schools, and telecommunications facilities, ~~and other local-serving commercial and institutional public facilities~~. Existing State-permitted mobilehome parks are deemed consistent with the Rural Residential sub-category in which they are located, and if destroyed may be rebuilt to their original State-permitted densities. Rebuilt mobilehome parks must ~~incorporate~~ comply with all current LUP policies; redevelopment to other uses must be consistent with the underlying land use category. The following Rural Residential categories are designated on the Land Use Map:

...

Suggested Modification 55

Add "telecommunication facilities" as a permitted use in all Commercial, Open Space, Residential and Public and Semi-Public Facilities land use designations in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Pages 98-102).

Suggested Modification 56

Revise Policy LU-28 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 104), as follows:

- LU-28 Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles by:
- Retaining the natural terrain and vegetation in hillside areas, rather than creating large, flat pads;
 - Protecting natural vegetation, natural environmental features, and streams;
 - Landscaping with locally-indigenous species outside of Fuel Modification Zone A;
 - Maintaining rural road sections without curbs, gutters, streetlights, or sidewalks;
 - Providing opportunities for keeping equines where adequate space and suitable topography are available, and where consistent with all other policies of the LCP;

- Limiting the types and locations of commercial development;
- Maintaining a natural physical setting comprised of large areas of undisturbed hillsides, oak woodlands, canyons, and riparian areas, and a visual character dominated by natural environmental features;
- Preserving the openness and scenic beauty of the area's natural environment;
- Preserving significant environmental features and requiring the dedication of open spaces in new development;
- Requiring hillside residential development designs that feature natural rather than manufactured forms and emphasize using custom foundations;
- Sizing houses and flat pad areas to be consistent with the natural setting; limiting features such as tennis courts and paved areas;
- Protecting hilltops and ridgelines by prohibiting structures in those areas where feasible; and
- Minimizing disturbance of landforms and biological resources by requiring buildings on hillsides to be constructed on multilevel pads where appropriate; and
- Providing greater protection to coastal resources than the minimum required by this LCP by offering incentives for limited types of proposed development. In order to encourage the concentration of development and the retirement of buildable parcels for the permanent protection of their habitat and open space values, the maximum approvable building site for development permitted in H2 or H3 habitat areas may be increased from 10,000-square feet to 15,000-square-feet if an applicant voluntarily proposes and implements the retirement of all development rights on one or more lawfully-created, buildable parcel(s) located in the Santa Monica Mountains Coastal Zone that is at least 5 acres in size and contains habitat designated as H2 (may also contain H1 habitat but shall primarily contain H2 habitat).

Suggested Modification 57

Revise Policy LU-42 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 105), as follows:

- LU-42 Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass ~~low-intensity directional lighting and screening to minimize light spillover and glare~~, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

Suggested Modification 58

Revise Policy LU-46 in Section D. Pattern and Character of Development of Part IV. Land Use and Housing Element (LUP Page 106), as follows:

LU-46 Require that all development incorporate low impact development (LID) principles and standards strategies to the maximum extent feasible, which emphasize an integrated system of decentralized, small-scale control measures to minimize alteration of the site's natural hydrologic conditions through infiltration, evapotranspiration, filtration, detention, and retention of runoff close to its source, as contained in the LCP.

Suggested Modification 59

Revise or add, as applicable, the following definitions in the Glossary:

CONFINED ANIMAL FACILITIES

Facilities built and used for the keeping of livestock and equines.

LIVESTOCK

Any pig, pygmy pig, hog, cow, bull steer, ~~horse, mule, jack, jenny, hinny,~~ sheep, goat, llama, alpaca, domestic fowl, or rabbit. For the purposes of this LUP LIP, livestock keeping shall be considered an agricultural use. ~~Livestock is not an agricultural use for purposes of the prohibition of new agricultural uses.~~

PRINCIPALLY-PERMITTED USE

The primary use of land that clearly carries out the land use intent and purpose of a particular zone. Where a land use is identified as a principally-permitted use in the LCP, the County's approval of a Coastal Development Permit for that development is not appealable to the Coastal Commission unless it otherwise meets the definition of "Appealable Coastal Development Permit".

APPEALABLE COASTAL DEVELOPMENT PERMIT

After certification of the LCP, an action taken by the County on a coastal development permit application may be appealed to the California Coastal Commission for only the following types of developments:

- (1) Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;
- (2) Developments approved by the County not included in paragraph 1 that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- (3) Any development approved by the County that is not designated as the principal permitted use under the certified LCP;
- (4) Any development that constitutes a major public works project or a major energy facility. The phrase "major public works" or a "major energy facility" as used in this section and in these regulations generally shall mean: any such project or facility as defined by Section 13012 of the Coastal Commission Regulations and the Coastal Act.

Suggested Modification 60

- A) *Revise all LUP maps (Maps 1-9) to add a note within the map legend that states the following:*

*The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.

- B) *Revise the Biological Resources Map (Map 2) to show the USFWS NWI (2013) data for streams, wetlands, lakes, and coastal waters in place of the USGS-NHD data for streams.*
- C) *Revise the Biological Resources Map (Map 2) to designate as H1 habitat all areas identified as Coastal Bluff Scrub within Leo Carrillo State Beach and on the coastal bluff inland of Pacific Coast Highway and east of Topanga Canyon Road. The map shall be revised to designate as H1 habitat the areas identified by the NPS-USGS vegetation map as the following habitat alliances: 1) California Encelia; 2) California Encelia-Laurel Sumac-Black Sage; 3) California Encelia-Lemonadeberry; and 4) California Encelia Superassociation mapping unit.*
- D) *Revise the Land Use Policy Map (Map 8) to redesignate the two following parcels from “Open Space-Parks” (OS-P) to “Mountain Lands 20” (RL20): APN 4471-026-001 and APN 4471-027-048.*